

# EXHIBIT

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**JONES DAY**

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May 16, 2012

**VIA FIRST-CLASS & ELECTRONIC MAIL**

Glenn T. Marrow, Esq.  
City of Baltimore  
Office of Legal Affairs  
101 City Hall  
Baltimore, MD 21202



Re: Brockington v. Boykin, Civil Action No. 1:08-cv-01713-CCB (D.Md.)

Dear Glenn:

I write this letter in response to your May 10, 2012 letter and Dan Beck's May 14, 2012 email.

First, I received your motion for protective order regarding the Rule 30(b)(6) deposition of the Baltimore Police Department ("BPD"). Suffice it to say that I disagree with your position, and I look forward to briefing the issue. As you know, the 30(b)(6) deposition was tentatively scheduled for the week of May 21, 2012, per your suggestion. Dan asked that we reschedule the deposition in light of your motion for protective order. I agree. By my count, the opposition to your motion is due May 29, and your reply to the opposition is due June 15. In order to give the Court time to consider the briefs and (if necessary) hear arguments, I suggest we reschedule the 30(b)(6) deposition for June 25-27. If one or more of those dates will not work, I am available the week of July 9 (I will be out of town from June 28 to July 5).

Second, Dan requested that I provide dates for the continuation of Mr. Brockington's deposition, which you were unable to complete on May 8 and I agreed to postpone. You made clear in your May 10 letter that you intend to file a motion to compel answers to questions posed to Mr. Brockington during the May 8 deposition that implicated his 5<sup>th</sup> Amendment rights. You have not yet filed that motion, nor have you indicated (as you did with the aforementioned motion for protective order) when the motion will be filed. Assuming you still intend to file the motion to compel (my client's position with respect to the 5<sup>th</sup> Amendment and the relevant deposition questions has not changed), I am not inclined to continue Mr. Brockington's deposition until the motion has been briefed and decided by the Court. To proceed otherwise could result in two additional days of deposition at Western Correctional, which would be inconvenient for the parties and a burden on Mr. Brockington. Once the motion to compel has

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been filed and the briefing schedule is clear, I will revisit the question of when to schedule Mr. Brockington's continued deposition.

Third, as with your position on the 30(b)(6) deposition of BPD and your proposed motion to compel, I disagree with the characterization in your May 10 letter of my interpretation of the Federal Rules and the current scheduling order in this case. Because you and Troy have consented to the proposed joint motion to extend the deadlines in the scheduling order, those disagreements are, at the moment, moot.

Also, while I appreciate your willingness to consent to the deadlines proposed in my May 2 letter, I think it prudent to consider revising the proposed deadlines to account for the briefing schedule that will result from your filing the motion for protective order and the motion to compel. As is clear from my May 2 letter, the proposed deadlines assumed that the 30(b)(6) deposition of BPD would go forward during the week of May 21. That is no longer the case; in fact, the 30(b)(6) deposition will likely be put off for another month or more as a result of the motion for protective order. Moreover, the proposed deadlines did not take into account continuing Mr. Brockington's deposition or your motion to compel. I believe it is in everyone's best interest to propose a schedule that considers all outstanding items and presents an accurate reflection of the parties' remaining discovery. Therefore, taking into account the briefing schedule for your motion for protective order, and assuming you will file your motion to compel in the near future, please consider the following revisions to the deadlines that I proposed in my May 2 letter:

- Plaintiff's expert reports are due July 30, 2012. [originally proposed June 29, 2012]
- Defendants' expert reports are due August 20, 2012. [originally proposed July 16, 2012]
- Plaintiff's rebuttal expert reports are due September 7, 2012. [originally proposed August 3, 2012]
- Discovery deadline; submission of status reports are due October 5, 2012. [originally proposed August 31, 2012]
- Request for admissions are due October 15, 2012. [originally proposed September 7, 2012]
- Dispositive pretrial motions are due November 9, 2012. [originally proposed October 5, 2012]

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Of course, I am open to any comments or suggestions you might have regarding the above revised deadlines. If you or Dan would like to discuss the revised deadlines or anything else in this letter, please do not hesitate to contact me. Or, if you would like to arrange a telephone call with all counsel of record, I am certainly amenable to that. Note that Troy will receive a copy of this letter.

Thanks again for your cooperation.

Sincerely,

A handwritten signature in blue ink, appearing to read "C. N. Thatch", with a stylized flourish at the end.

Christopher N. Thatch

cc: Troy A. Priest, Esq. (via email)  
Daniel Beck, Esq. (via email)  
Christopher Sackles, Esq. (via email)